

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

District of

Division

18 CV 2426

Case No.

(to be filled in by the Clerk's Office)

Alfred C. Pucci

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See Pro Se 2 (Rev. 12/16) Attachment

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Alfred C. Pucci

Street Address

268 Couchlight Sq.

City and County

Montrose Westchester

State and Zip Code

New York 10548

Telephone Number

1-914-737-8045

E-mail Address

acp5432164@yahoo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Alfred C. Pucci

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

See Pro Se 2 (Rev. 12/16) Attachment.

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

See Pro Se 2 (Rev. 12/16) Attachment.

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

August E. Pucci

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Privacy Act of 1974, 5 U.S.C. section 552a.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

August L. Ricci

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

See Pro Se 2 (Rev. 12/16) Attachment.

B. What date and approximate time did the events giving rise to your claim(s) occur?

See Pro Se 2 (Rev. 12/16) Attachment.

Amel C. Puri

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Pro Se 2 (Rev. 12/16) Attachment.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Damages may not be relevant to this Privacy Act request.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See Pro Se 2 (Rev. 12/16) Attachment.

Arjun C. Puri

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Pro Se 2 (Rev. 12/16) Attachment.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Damages may not be relevant to this Privacy Act request.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See Pro Se 2 (Rev. 12/16) Attachment.

Arif C. Puri

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 16, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Alfred C. Pucci
Alfred C. Pucci

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Alfred C. Pucci

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction Attachment.

Defendants: 1. Requester Communications Branch
Office of Information Programs and Services
United States Department of State

2. Central Intelligence Agency
Information and Privacy Coordinator

I. The Parties to This Complaint

B. The Defendants

1. Requester Communications Branch
Office of Information Programs and Services
U.S. Department of State, SA-2
Washington
District of Columbia 20522-8100
Telephone Number: 1-202-261-8484 (FOIA Requester Service Center)
E-mail: Not Available.

2. Central Intelligence Agency
Information and Privacy Coordinator
Washington
District of Columbia 20505
Telephone Number: 1-703-613-1287 (FOIA Hot Line)
E-mail: Not Available.

III. Statement of Claim

The October 22, 2015 response to a September 15, 2015 request for personal information and records of Alfred C. Pucci SS# 097-34-8649 from the Requester Communications Branch, Office of Information Programs and Services, U.S. Department of State, SA-2 states the request cannot be processed because "Some or all of the records you have requested do not appear to be State Department records (other agency information may be attached) and includes contact information of the Central Intelligence Agency Information and Privacy Coordinator.

Requests for personal information to the CIA I& P Coordinator dated December 14, 2015 and January 13, 2017, the second request to insure awareness of an existing file in the State Department information system which I assume contains documents originating from the CIA, are both denied in response letters dated September 12, 2016 and April 21, 2017 and for the same reasons: 1.) the search reveals no records of an acknowledged affiliation with the CIA and 2.) to the extent that records reveal a classified association, the Agency can neither confirm nor deny the existence of personal records based on the authority of Section 3.6(a) of Executive Order 13526, as amended and pursuant to FOIA exemptions (b) (1) and (b)(3) and PA exemptions (j)(1) and (k)(1) and citing Section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. #3507, as amended, and Section 102A (i)(1) of the National Security Act of 1947, 50 U.S.C. #3024 (i)(1), as amended.



Concurrent with the above review by the CIA, a State Department letter dated February 25, 2016 assigns a new Case Control Number (P-2016-00788) in order to process my request Re "Name Check records". Although no additional request for personal information was submitted to the State Department an estimate of the wait time to access personal information is made in a letter dated March 14, 2016. A May 18, 2016 email states an estimated completion date (ECD) of June 2017.

A July 26, 2017 State Department response to a status request indicates a search of records was initiated by the State Department Bureau of Human Resources and has an ECD of June 2018.

A letter from the Bureau of Human Resources dated October 11, 2017 states a search of their information system of records retrieves no responsive documents to the Privacy Act Case P-2016-00788.

The Privacy Act of 1974 5 U.S. Code 552a (d)(1) and (d)(2) clearly state-Each agency that maintains a system of records shall-

- (1) Upon request by any individual to gain access to his record or to any information pertaining to him which is contained in the system, permit him and upon his request, a person of his own choosing to accompany him, to review the record and have a copy made of all or any portion thereof in a form comprehensible to him, except that agency may require the individual to furnish a written statement authorizing discussion of the individuals record in the accompanying persons presence.
- (2) Permit the individual to request amendment of a record pertaining to him and-
 - (A) Not later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt and
 - (B) Promptly either-
 - (i) Make any correction of any portion thereof which the individual believes is not accurate, relevant, timely or complete; or
 - (ii) Inform the individual of its refusal to amend the record in accordance with his request, the reasons for the refusal, the procedures established by the agency for the individual to request a review of the refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official.

V. Relief

The relief sought is access to personal information in the information system of the U.S. State Department to review and amend if necessary, a right granted to any individual by the Privacy Act of 1974.

